

# Senate Study Bill 3088 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA PUBLIC  
INFORMATION BOARD BILL)

## A BILL FOR

- 1 An Act relating to the confidentiality of certain law
- 2 enforcement record information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 5, Code 2016, is amended  
2 to read as follows:

3 5. a. ~~Peace officers' investigative reports, and Except~~  
4 where disclosure is authorized elsewhere in this Code,  
5 specific portions of information contained in peace officers'  
6 investigative reports and in electronic mail and telephone  
7 billing records of law enforcement agencies if that, under all  
8 of the following circumstances:

9 (1) The information sought is part of an ongoing  
10 investigation, except where disclosure is authorized elsewhere  
11 in this Code where disclosure would plainly and seriously  
12 jeopardize the ongoing investigation or pose a clear and  
13 present danger to the safety of an individual.

14 (2) The length of time prescribed for the commencement of  
15 prosecution or the finding of an indictment or information  
16 under the statute of limitations applicable to the crime that  
17 is under investigation has not expired.

18 b. However, the The date, time, specific location, and  
19 immediate facts and circumstances surrounding a crime or  
20 incident shall not be kept confidential under this section,  
21 except in those unusual circumstances where disclosure of that  
22 information alone would plainly and seriously jeopardize an  
23 ongoing investigation or pose a clear and present danger to the  
24 safety of an individual. Specific portions of electronic mail  
25 and telephone billing records may only be kept confidential  
26 under this subsection if the length of time prescribed for  
27 commencement of prosecution or the finding of an indictment or  
28 information under the statute of limitations applicable to the  
29 crime that is under investigation has not expired.

30 c. This section shall not be construed to affect the  
31 confidentiality and disclosure provisions of section 9E.7.

32 Sec. 2. INTERIM STUDY — LAW ENFORCEMENT BODY CAMERA VIDEO  
33 AND AUDIO RECORDINGS. The legislative council is requested to  
34 establish an interim committee, composed of legislator members  
35 of both political parties from both houses of the general

1 assembly, to meet during the 2016 interim to discuss issues  
2 relating to the use, storage, retention, public inspection, and  
3 confidentiality of law enforcement body camera video and audio  
4 recordings. The committee is directed to submit its findings  
5 and recommendations in a report to the general assembly by  
6 December 15, 2016.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the confidentiality of certain law  
11 enforcement record information.

12 The bill requires that specific information contained in  
13 peace officers' investigative reports and in electronic mail  
14 and telephone billing records of law enforcement agencies  
15 be kept confidential if the information sought is part of  
16 an ongoing investigation where disclosure would plainly and  
17 seriously jeopardize the ongoing investigation or pose a clear  
18 and present danger to an individual's safety; and when the  
19 length of time prescribed for the commencement of prosecution  
20 or the finding of an indictment or information under the  
21 statute of limitations applicable to the crime that is under  
22 investigation has not yet expired. Disclosure of certain  
23 information surrounding a crime or incident may be allowed  
24 except where disclosure of that information alone would plainly  
25 and seriously jeopardize an ongoing investigation or pose a  
26 clear and present danger to an individual's safety. The bill  
27 does not affect the confidentiality and disclosure provisions  
28 of the address confidentiality program in Code section 9E.7.

29 The bill requests the legislative council to establish  
30 an interim committee, composed of legislator members of  
31 both political parties from both houses of the general  
32 assembly, to meet during the 2016 interim to discuss issues  
33 relating to the storage, retention, public inspection, and  
34 confidentiality of law enforcement body camera video and audio  
35 recordings. The committee is directed to submit its findings

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 and recommendations in a report to the general assembly by  
2 December 15, 2016.